

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

PLAINTIFFS' EXHIBIT 9

City Attorney's Letter to Andrew Jackson (DEF02188-02190)



MARK D. STILES
CITY ATTORNEY

City of Virginia Beach

VBgov.com

MUNICIPAL CENTER
BUILDING 1
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VIRGINIA 23456-9004
(757) 385-4531
FAX (757) 385-5667
TTY: 711

September 9, 2011

Andrew R. Jackson
153 Upperville Road
Virginia Beach, VA 23462

Dear Mr. Jackson:

This responds to your letter of August 31, 2011. That letter requests the City Council to reconsider its vote on August 23 to adopt new Residence Districts for Local Elections. Your request is primarily based on your assertion that you and the minority community of the City of Virginia Beach were excluded from the City's redistricting process. As my office was significantly involved in facilitating the process that led up to the August 23rd vote, I feel compelled to respond to that assertion. Of particular import, I would like to provide specific examples of the City Council liaisons – Vice Mayor Jones and Councilmember Davis – taking your requests and incorporating those requests into the proposal that was actually adopted by the City on August 23, 2011.

First, on April 12, 2011, you spoke at the City's open comment session. Your comments reflected a desire to participate in the redistricting process and to meet with the City Council liaisons.

As a direct response to your request, I sent a letter to you on April 18th. This letter offered two things. I offered to schedule a meeting with the City Council liaisons, and I offered the services of the City's specially retained redistricting consultant.

The meeting with the City Council Liaisons occurred on April 28th in my office. The City Council Liaisons met with you and others for roughly two hours. They listened to your concerns, including your desire to use the redistricting process to petition the General Assembly to change the City's Charter.

You accepted our offer to use the services of the City's hired consultant, Kimball Brace of Election Data Service, Inc.. You and other members of your coalition met with him in

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person on multiple occasions here in Virginia Beach. In addition, you were able to email him documents that included your personal plan to create a 10-district redistricting proposal. Mr. Brace created a map using this proposal and the census data for the City in a manner that is similar to the other map proposals.

Second, you asked the City Council liaisons to work toward a majority-minority residence district. Others who accepted the City's offer to participate in the redistricting process also made this request. The demographics of the City make such a goal impossible to attain for any single racial or language minority group under the current state-imposed requirement that we have seven compact and contiguous residence districts with approximately equal populations. Nevertheless, the City Council liaisons spent many hours crafting a number of alternative proposals that included a non-white majority district. While there is disagreement between you and the City Council liaisons about whether this non-white majority district should be in the Centerville or Rose Hall districts, the City Council liaisons knew the creation of such a district was a priority for you, and the liaison proposals reflected this priority.

Third, at the public hearing on August 9th, you made reference to a specific African American community that was split between districts in the most recent proposal from the Council liaisons. Based on your comments, the City Council liaisons redrew the line between the Kempsville District and the Bayside District to address your concern. The resulting proposal, City Council Liaison Proposal 2, Amended D, was adopted by City Council on August 23rd.

These are just three examples of the City Council liaisons – Vice Mayor Jones and Councilmember Davis – responding directly to your requests or concerns. Both of the liaisons also attended one or more of the public comment periods where you and others spoke and engaged in dialogue with you and other concerned citizens during and after those meetings. Likewise, I am unaware of any specific request by you to meet or confer with either of the liaisons or with my office or the City's consultant that was denied. In the end, the ordinance that was adopted by the City Council on August 23, 2011, includes aspects that resulted from your input: this plan includes a non-white majority district; and this plan has the line drawn between the Kempsville District and the Bayside District to address the concern you expressed at the August 9th public hearing.

The City has provided access to you in this process that is beyond any legal requirements. The City provided you with free services by the City's paid consultant. The maps created by you and by the NAACP/Concerned Citizens Coalition were included in the evaluation of proposals. In the end, the City Council chose a proposal that included your input.

Accordingly, your assertions that you were excluded from participation in the redistricting process undertaken by the City or that your input was not reflected in the redistricting plan that Council adopted is inconsistent with the facts. Your involvement was significant and is reflected in the plan ultimately adopted.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Mark D. Stiles". The signature is fluid and cursive, with the first name "Mark" and last name "Stiles" clearly distinguishable.

Mark D. Stiles
City Attorney

cc: William D. Sessoms, Jr., Mayor
Louis R. Jones, Vice Mayor
Glenn R. Davis, Councilmember
James K. Spore, City Manager
Thomas E. Perez, Asst. Attorney General

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